

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE CHIDANANDA ULLAL

C.R.P.No.1189/98

Between:

1. Smt.Girijabi,
w/o.Venkappa Murgod,
age major.
2. Sanjay,
s/o.Venkappa Murgod,
age major.

Bothh are resident of Doddi Oni
Old Hubli, Hubli-24. .. Petitioners

(By Sri Subash B Adi, Adv.)

And:

1. Smt.Lalita, Kom.Mohanrao Hublikar,
age major (45 years),
Occ:HHouse hhold work,
r/o.Near Banashankari Temple,
Old Hubli, Hubli-24. .. Respondent

This revision petition is filed under Section 115 of CPC against the order dated 13.3.1998 passed in O.S.No.891/93 on the file of the Principal Munsiff, Hubli, dismissing I.A.VIII filed under Order 6 Rule 17 of CPC praying for amending of the plaint.

This revision petition coming on for admission this day, the Court passed the following:

- ORDER -

Heard the learned counsel for the
petitioners.



2. This revision petition is directed against the order dated 13.3.1998 passed on I.A.VIII in OS No.891/98 by the court of the Principal Munsiff, Hubli, in passing the same, the learned Munsiff had rejected the said IA. It is reflected in the impugned order that the I.A. in question came to be filed before the Munsiff after the matter was finally heard and posted for judgment. I do not think when that was the stage before the Munsiff, the petitioners herein could resort to the I.A. in question, for after the matter was finally heard and reserved for judgment there remained nothing for the parties to do. On that short ground alone the said I.A. ~~was~~ liable to be rejected. Let apart, in passing the impugned order, the learned Judge had come to the conclusion that in filing the said I.A., the petitioners sought for amendment of the plaint to change the very nature of the suit and further that the said amendment was not necessary to decide the controversy between the parties.

In that view of the matter, I do not find any merit in the instant revision petition.

The revision petition stands rejected.


Sd/-
JUDGE